IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2805 OF 2002

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.R.Shridharan with Mr.P.Shah i/b P.D.S.Legal for the petitioner.
Mr.S.R.Nargolkar AGP for respondent nos.2 to 10.

CORAM: V.G.PALSHIKAR,AG.C.J. & D.B.BHOSALE, J.

DATED: 15TH DECEMBER, 2005

P.C.:

. This petition can be conveniently disposed of by directing respondent no.1 to issue fresh notice to the petitioner to show cause why the provisions contained in Standards of Weights and Measures (Packaged Commodities) Rules, 1977 cannot be made applicable to the products of the petitioners and after hearing the petitioners the concerned Authority shall decide whether the provisions of the Packaged Commodities Rules, 1977 are applicable to petitioners products or not and if it is ultimately held that the Packaged Commodities Rules, 1977 are applicable

to petitioners products, to proceed against the petitioners accordingly for breach thereof. After issuance of such show cause notice and giving an opportunity to the petitioner to contest the same, the concerned authority shall decide the matter in accordance with law under the provisions of the Rules and Act of which same is made.

2. The amount that is deposited by the petitioner pursuant to the order of this Court should be appropriated in accordance with the decision taken on the show cause notice. The amount, till then, be transferred with respondent no.10 - the Controller of Department of Legal Metrology. The adjudication shall be prospective from the date of issuance of the notification. The petition is, accordingly, disposed of in the aforesaid terms.

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